

REMARKS/ARGUMENTS

In the Office Action, Claims 1 and 18-48 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,629,994 to Gomez et al. In addition, Claims 1-18, 46, and 47 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,258,121 to Yang et al. Independent Claims 1 and 45 have been amended to further patentably distinguish the cited references. Several dependent claims have been amended to recite proper numbering and antecedent basis, while Claims 48 and 49 have been added. In light of the amendments and subsequent remarks, Applicant respectfully requests reconsideration and allowance of the claims.

Gomez was cited by the Examiner as disclosing the scaffolding of the medical appliance recited in independent Claims 1 and 45. Gomez discloses cylindrical rings 30 connected by undulating links 54, as shown in Figure 6A. The undulating links include curved portions 56 and straight portions 58. Yang was cited by the Examiner as also disclosing independent Claims 1 and 45, as well as hydrophobic and hydrophilic stent coatings. Yang's stent is formed by wire 10 and is coated with hydrophilic and/or hydrophobic polymer material in different ratios. Col. 2; ll. 54-56 of Yang. The stent is coated with the polymer by spraying, dipping or extrusion. Col. 2; ll. 60-65 and col. 4; ll. 42-43 of Yang.

In order to further distinguish the cited references, Applicant has amended independent Claim 1 to recite that the medical appliance includes a coating coupled with the scaffolding such that the exterior surface of the scaffolding is raised with respect to the coating extending over at least a portion of an area between the struts of the scaffolding. Conversely, Gomez does not teach or suggest employing a coating at all. While Yang discloses applying a coating continuously over a stent body, Yang does not disclose that the exterior surface of scaffolding of the stent body is raised with respect to the coating applied between the struts of the scaffolding. Thus, the cited references fail to teach or suggest each of the elements recited by independent Claim 1.

Independent Claim 45 recites a method of coating a medical appliance. More specifically, Claim 45 recites providing a mold having an internal and an external diameter and providing a medical appliance comprising a scaffolding. The method also includes inserting the

medical appliance into the internal diameter of the mold, applying a polymer to the interior surface of the medical appliance, and annealing the polymer to the stent by applying heat to the polymer.

None of the cited references discloses the method recited by independent Claim 45.

Rather, the Examiner finds that the “Gomez et al device is inherently capable of having the method steps of coating the stent (30) as being claimed.” However, Gomez does not teach or suggest employing a coating, let alone the specific processing involved in applying the coating to the scaffolding. The mere capability of employing the steps recited in Claim 45 is insufficient to find that Gomez anticipates each of the limitations of Claim 45, and the Examiner’s reasoning is based on impermissible hindsight. The Examiner also states that Yang is “capable of using the method steps as claimed in claims 46-47, for coating stent (10).” However, Yang simply discloses dipping, extruding, or spraying the coating onto the frame of the stent; there is no disclosure as to the specific steps recited in Claim 45. Namely, Yang does not disclose inserting a medical appliance into an internal diameter of a mold, applying a polymer to the interior surface of the medical appliance, annealing the polymer to the stent by applying heat to the polymer. Thus, the “capability” of utilizing the steps recited in Claim 45 is also insufficient for finding that Yang anticipates Claim 45, and the Examiner is again using impermissible hindsight.

Therefore, Applicant submits that neither Gomez nor Yang, taken individually or in combination, teaches or suggests independent Claims 1 and 45 and that the rejections under 35 U.S.C. §§ 102(b) and (e) are overcome. Because the dependent claims include each of the recitations of a respective independent claim, Applicants further submit that the dependent claims are also allowable for at least those reasons discussed above with respect to independent Claims 1 and 45.

Furthermore, Applicant submits that although the dependent claims are distinguishable for at least those reasons discussed above, several of the dependent claims are further distinct from the cited references. In fact, the Examiner fails to specifically address each of the dependent claims. For example, none of the cited references discloses dependent Claims 11-16, which relate to the specific location of the coating relative to the scaffolding, as well as the specific dimension of the coated struts relative to the coating between the struts. In particular,

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Claim 15 recites that the coated strut is raised between 1 \AA and 10^6 \AA with respect to the coated area between the struts. Therefore, Applicant submits that at least dependent Claims 11-16, 48, and 49 are further distinguishable from both Gomez and Yang, taken individually or in combination.

Consideration Of Previously Submitted Information Disclosure Statement

It is noted that initialed copies of the PTO Form 1449 that were submitted with Applicants' Information Disclosure Statements filed February 13, 2006 and February 28, 2006 have not been returned to Applicant's representative with the Office Action. Accordingly, it is requested that initialed copies of the Form 1449 be forwarded to the undersigned with the next communication from the PTO. In order to facilitate review of the references by the Examiner, copies of the Information Disclosure Statements and the Form 1449 are attached hereto.

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CONCLUSION

In view of the amended claims and remarks presented above, it is respectfully submitted that all of the present claims of the present application are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 50-2764.

Respectfully submitted,



Trent A. Kirk
Registration No. 54,223

Customer No. 000037305
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111

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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on January 19, 2007.


Lisa Rone